

REMARKS

Reconsideration of this application respectfully is requested, without further amendment of the claims.

Claims 9 and 15 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Joebken (U.S. 3,133,554) in view Dahl et al. (U. S. 2,254,472), and further in view of Iwabuchi (U.S. 5,678,595). Claims 1, 4, 6, 7, and 12-14 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Masayuki (JP-08-285132) in view of Walters, Jr. (U.S. 4,383,546), and further in view of Dahl et al. (U.S. 2,254,472). Both rejections are traversed.

To address both rejections, Applicant focuses on Dahl (U.S. 2,254,472) commonly cited in the two § 103(a) rejections. Dahl was asserted as remedying a deficiency in the other cited art with respect to Applicant's claim requirements for first and second sets of purge gas supply ports circumferentially arranged to jet purge gas along particular, recited valve component surfaces. The Detailed Action section of the July 14, 2009 Office Action states that "Dahl teaches a gate valve comprising a valving element (24) with a plurality of purge gas supply ports (55) circumferentially arrayed". Applicant respectfully urges, however, that one of ordinary skill in the art would not have been motivated to have combined Dahl with the other cited documents.

Page 2, right column, line 27 to page 3, left column, line 7 of Dahl recites the functions of the lateral ports (55). Their first function is imparting a spinning motion to the quench liquid (Fig. 5) that flows through the central conduit (51), in order to enhance atomization. No other cited documents, which are asserted as combinable with Dahl, disclose such a central conduit. The total lack of any structure in the other citations to suggest how to incorporate such a central conduit therein is a first reason why one of ordinary skill in the art would not have been motivated to have combined the teachings of Dahl with the other citations.

The second function of Dahl's ports (55) is avoiding chattering due to relative movement of the pilot valve (53) and the plug (24). However, none of the other citations discloses structure in which chattering might be significant and cause a problem. Given that the structures of the other cited documents would not be prone to chattering, one of ordinary skill in the art would not

have been motivated to have combined them with Dahl in order to solve a problem that does not exist in them. This is a second reason why the asserted combination with Dahl improperly, and untenably is based upon hindsight.

Applicant points out that no other cited document discloses the provision of circumferentially-arrayed ports in a valving element to discharge any fluid therefrom. That is, Dahl is the only document disclosing the provision of circumferentially-arrayed ports in a valving element. Hence, with Dahl failing to be properly combinable with such other cited documents, both asserted rejections are overcome. On the other hand, not even Dahl teaches or suggests Applicant's particular circumferentially arranged ports for preventing deposits from being formed on seating surfaces. The fluid jetted from Dahl's lateral ports (55) is a quench liquid, not a purge gas as required in Applicant's arrangement of each of independent claims 1, 7, and 9.

For at least the foregoing reasons, Applicant submits that the asserted combination of Dahl with the other cited documents untenably is based upon hindsight. Hence, Applicant respectfully solicits that the § 103 rejections be withdrawn. They are overcome.

Applicants respectfully submit that this Response and the above remarks obviate the outstanding rejections in this case, thereby placing the application in condition for immediate allowance. Allowance of this application is earnestly solicited.

If an extension of time under 37 C.F.R. § 1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The extension fee should be charged to Deposit Account No. 02-4300; Order No. 033082 M 297.

Respectfully submitted,
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